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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,028	06/30/2000	Kartik Raghavan	MSI-498US	9044
22801	7590	08/23/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER COLIN, CARL G	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/608,028	Applicant(s) RAGHAVAN ET AL.	
	Examiner Carl Colin	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-36.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation of 3 below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: Applicant has amended at least independent claims 1, 13, 21, 27, and 32 to recite features not previously recited in the last final rejection. Some of the features recite at least "identify resources authorized but not installed wherein one or more resources authorized but not installed does not include updates of currently installed resources". Applicant's support provided on page 32 of the arguments do not completely show the new features as indicated above but merely shows that a computer can be configured either by distribution of the software or automatically using an agent. Therefore, the proposed amendments also raise the issue of new matter. It is noted that Applicant's arguments pages 15-31 in view of Chen are referring to the claims as amended. The proposed amendments will not be entered because they raise new issues that would require further consideration and/or search. Regarding claims 27 and 32, Applicant indicates that installation of resources on an unconfigured (new) computer system is supported, but does not show how the "comparing the assessment to authorized resources" and "authorized resources" in a new unconfigured computer such as computer 18A is supported as discussed in the interview. The support provided by applicant on page 33 citing page 11 of the specification does not describe such limitations. Therefore, the proposed amendments also raise the issue of new matter. Regarding claims 21 and 22, Applicant argues that common sense dictates that updating is not the focus of claim 21 since "for to not be a duplicate of claim 21, claim 22 recites updating computing system resources." Examiner would like to clarify that "updating computing system resources" as recited in claim 22 and "updating missing authorized resources" as interpreted would not be a duplicate. Applicant is also reminded that the claimed invention has been broadly and reasonably interpreted in light of the specification. For instance, the summary of the invention, page 2, specifies "wherein an identifier associate with a user and/or the computing system is provided, and downloading one or more image files to automatically install/update one or more of an operating system, application(s), and personalized configuration setting information. In this regard, the claimed invention provides a means of automatically installing and configuring an operating system, applications and personalization settings of a computing system." Applicant has requested a request for withdrawal of finality with regard to dependent claim 26. The request for reconsideration has been reconsidered by the examiner but does not place the application in condition for allowance. In addition, a communication device remote from the computing system can be interpreted as another device or computer (remote to the computer "system") and there is disclosure of automatically modifying resources of more than one computer system/device or communications system/device (see for instance column 4, lines 7-29). Also, software vendors get updates of their products in addition to one or more network locations (see column 4, lines 60-67).

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